

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

JUL 12 2018

Clerk of Court

United States of America
v.
Luis Ernesto GOMEZ (USC) YOB: 1995

Case No.

M-18-1423-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 11, 2018 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

Title 18 USC 922 (K)

in that he knowingly possessed a firearm, which had the manufacturer's
serial number obliterated and that had, at one time, been shipped or
transported in interstate or foreign commerce.

This criminal complaint is based on these facts:

SEE ATTACHMENT A

☒ Continued on the attached sheet.

Freddie Summers
Complainant's signature

Freddie Summers, ATF Special Agent

Printed name and title

Approved Joseph Leonard
Sworn to before me and signed in my presence.

Date:

7/12/18

City and state:

McAllen, TX

J. Scott Hacker
Judge's signature
J. Scott Hacker, U.S. Magistrate Judge
Printed name and title

Attachment A

I, Special Agent (S/A) Freddie Summers, affiant, do hereby depose and state the following:

This affidavit is in support of a criminal complaint charging Luis Ernesto Gomez with:

Title 18 USC Section 924 (k) – It shall be unlawful for any person knowingly to transport, ship, or receive, in interstate or foreign commerce, any firearm which has had the importer's or manufacturer's serial number removed, obliterated, or altered or to possess or receive any firearm which has had the importer's or manufacturer's serial number removed, obliterated, or altered and has, at any time, been shipped or transported in interstate or foreign commerce.

The facts establishing probable cause are based on the following:

1. Luis Ernesto Gomez, hereinafter referred to as GOMEZ is a suspect in an ATF firearms trafficking investigation. During the course of the investigation, ATF learned that had GOMEZ purchased a firearm from a Federal Firearms Licensee (FFL) located in the Edinburg, TX (Southern District of Texas) on 06/30/18.
2. ATF agents made telephonic contact with GOMEZ and he agreed to voluntarily meet with ATF agents for an interview. On July 11, 2018, GOMEZ voluntarily met with ATF agents in a local restaurant in McAllen, TX for an interview.
3. During GOMEZ's interview ATF agents reviewed a copy of the ATF Form 4473 GOMEZ filled out when he purchased a Smith & Wesson, model SD40VE, .40 caliber pistol on 6/30/18. GOMEZ confirmed that he had purchased the firearm for himself and stated that the firearm was at his residence. GOMEZ agreed to show ATF agents the above detailed firearm at his residence. GOMEZ allowed ATF agents to follow him as he drove his vehicle back to his residence in order to view his firearm.
4. Upon arriving at his residence, GOMEZ went inside his residence, retrieved a Smith & Wesson box, and handed it to ATF agents. Upon ATF agents inspecting the firearm inside the box, they observed that the firearm was a Smith & Wesson, model SD40VE, .40 caliber pistol. Which is the same firearm detailed on GOMEZ's ATF Form 4473. Upon checking the serial number on the frame of the firearm agents observed that it had been obliterated.
5. ATF agents asked GOMEZ about the condition of his firearm's serial number and GOMEZ stated that he had obliterated the serial number using sand paper a short time after he purchased it.
6. On July 11, 2018, ATF S/A F. Summers spoke with Interstate Nexus Examiner, ATF S/A C. Delgado. Based on the information S/A Summers provided to S/A Delgado about the firearm, S/A Delgado stated that the firearm possessed by GOMEZ was manufactured outside the State of Texas. Therefore, the firearm had previously traveled in interstate or

foreign commerce at some point prior to being possessed by any person in the State of Texas.

7. Based on the above information, your affiant believes GOMEZ in that he knowingly possessed a firearm, which had the manufacturer's serial number obliterated and that had, at one time, been shipped or transported in interstate or foreign commerce in violation of Title 18, United States Code, Section 922(k).
8. This affidavit is based on the personal knowledge and observations of your affiant and other law enforcement personnel. This affidavit is intended to support probable cause, but it is not intended to convey all the facts of the investigation.